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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MYHRE, JAMES W

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/682,876

Applicant(s)  
Duchow

Examiner  
James W. Myhre

Art Unit  
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-12, 14-21, and 24-55 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-21, and 24-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1/2 & 2 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Amendment***

1. The Preliminary Amendment filed on July 23, 2002 (paper number 3) has been entered and considered during the following office action. The amendment canceled Claims 1, 13, 22, and 23; and added Claims 38-55. Therefore, Claims 2-12, 14-21, and 24-55 remain active and are addressed below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 2, 3, 5/2, 5/3, 6/2, 6/3, 7/2, 7/3, 8/2, 8/3, 9/2, 9/3, 10/2, 10/3, 11/10/2, 11/10/3, 14, 15, 17/14, 17/15, 18/14, 18/15, 19/14, 19/15, 20/14, 20/15, 25/14, 25/15, 26/14, 26/15, 29/14, 29/15, 32, 33, 35, 37-46, and 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Scroggie et al (6,185,541).

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Claims 2, 3, 14, 15, 44, 45, 53, and 54: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Accessing a product database (col 2, lines 11-19 and col 6, lines 12-15);
- b. Displaying a list of products to the buyer (col 2, lines 11-19 and col 6, lines 12-15);
- c. Receiving a product selection from the buyer (col 2, lines 11-19 and col 6, lines 12-15);
- d. Receiving and storing information about the buyer (col 1, lines 53-55 and col 6, lines 32-35 and 55-58);
- e. Accessing a reseller (retail store) database to select a reseller based on the product selection and the buyer information (col 9, line 66 - col 10, line 3); and
- f. Transmitting the reseller information and a discount to the buyer (col 2, lines 1-4), wherein the discount is selected from a discount database based on the selected product (col 9, lines 20-25).

Claims 5/2, 5/3, 25/14, 25/15: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses that the computer network is the Internet (col 1, line 31-40).

Claims 6/2, 6/3/ 26/14, and 26/15: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses that the discount is a cash discount with an expiration date (col 10, lines 32-49).

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Claims 7/2, 7/3, 8/2, 8/3, 17/14, 17/15, 19/14, and 19/15: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses that the reseller and discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34) or displayed on a website (col 11, lines 48-51 and col 12, lines 44-53).

Claims 9/2, 9/3, 10/2, 10/3, 11/10/2, 11/10/3, 18/14, 18/15, 29/14, and 29/15: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses selecting the reseller geographically closest to the buyer, based on the buyer's zip code and email address provided as buyer information (col 6, lines 32-35 and 55-58; col 8, lines 45-52; and col 9, line 66 - col 10, line 3).

Claims 20/14 and 20/15: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claims 14 and 15 above, and further discloses sending the buyer information and the discount to the reseller (col 2, lines 63-67).

Claim 32: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Advertising a plurality of discounts available for a plurality of products (col 13, lines 47-47);
- b. Receiving a product selection and buyer information from a buyer (col 1, lines 53-55; col 2, lines 11-19; and col 6, lines 12-15, 32-35, and 55-58);

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c. Selecting a reseller and discount based on the selected product and buyer information (col 9, line 66 - col 10, line 3); and

d. Transmitting the reseller and discount information to the buyer (col 2, lines 1-4).

Claim 33: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, and further discloses the incentive is a cash discount with an expiration date (col 10, lines 32-49).

Claim 35: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, and further discloses transmitting the reseller and discount information to the buyer using the postal system (col 10, line 17).

Claim 37: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, and further discloses selecting the reseller that is geographically closest to the buyer, based on the buyer's zip code and email address provided as buyer information (col 6, lines 32-35 and 55-58; col 8, lines 45-52; and col 9, line 66 - col 10, line 3).

Claims 38 and 39: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network, comprising:

a. Receiving buyer information (col 1, lines 53-55 and col 6, lines 32-35 and 55-58);

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b. Determining the reseller covering the geographic area of the buyer (col 6, lines 32-55 and 55-58; col 8, lines 45-52; and col 9, line 66 - col 10, line 3); and

c. Transmitting the purchase incentive to the buyer, the purchase incentive being redeemable only at the selected reseller (col 1, lines 47-49; col 2, lines 1-4; and col 10, lines 26-27).

Claim 40: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 38 above, and further discloses printing and redeeming the incentive (electronic voucher) at the reseller (col 1, line 62 - col 2, line 1 and col 12, lines 51-53).

Claim 41: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 40 above, and further discloses the incentive is a cash discount with an expiration date (col 10, lines 32-49).

Claim 42: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 38 above, and further discloses the buyer information including a zip code and email address (col 6, lines 32-35 and 55-58).

Claim 43: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 38 above, and further discloses that the discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34).

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Claims 46 and 55: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claim 44 and 53 above, and further discloses receiving a producer (manufacturer) selection from the buyer and selecting the discount based on the selected producer (col 2, lines 45-51).

***Claim Rejections - 35 USC § 103***

4. Claims 4, 5/4, 6/4, 7/4, 8/4, 9/4, 10/4, 11/10/4, 12, 16, 17/16, 18/16, 19/16, 20/16, 21, 24, 25/16, 25/24, 26/16, 26/24, 27, 28, 29/16, 29/24, 30, 31, 34, 36, 47-49, 51, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al (6,185,541) in view of Cupps et al (5,991,739).

Claims 4, 12, 16, 21, 24, and 47: Scroggie discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, but does explicitly disclose accessing a producer (manufacturer) database, displaying a list of producers to the buyer, and receiving the buyer's selection of a producer prior to accessing and displaying the list of products. However, Cupps discloses a similar system and method for providing a purchase incentive to a buyer over a computer network in which a manufacturer database is accessed, a list of manufacturers is displayed to the buyer, and the buyer selects a manufacturer (col 9, line 66 - col 10, line 21) prior to accessing and displaying the products available from that merchant. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allowing buyer to select a manufacturer prior to



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selecting a product. One would have been motivated to allow the buyer to select the manufacturer in order to better meets the desires of the buyer, especially when “name-brand” items are desired (such as in clothing, watches, automobiles, etc.).

Claims 5/4, 25/16, and 25/24: Scroggie and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 4, 16, and 24 above. Each reference further discloses that the computer network is the Internet (Scroggie, col 1, line 31-40)(Cupps, col 9, lines 37-39).

Claims 6/4, 26/16, and 26/24: Scroggie and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 4, 16, and 24 above. Scroggie further discloses that the discount is a cash discount with an expiration date (col 10, lines 32-49).

Claims 7/4, 8/4, 17/16, 19/16, 27, 28, and 52: Scroggie and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 4, 16, 24, and 47 above. Scroggie also discloses that the reseller and discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34) or displayed on a website (col 11, lines 48-51 and col 12, lines 44-53).

Claims 9/4, 10/4, 11/10/4, 18/16, 29/16, 29/24, and 51: Scroggie and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2-4, 14-16, 24, and 47 above. Both references further disclose selecting the reseller geographically closest to the buyer, based on the buyer’s zip code and email address provided as

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buyer information (Scroggie, col 6, lines 32-35 and 55-58; col 8, lines 45-52; and col 9, line 66 - col 10, line 3)(Cupps, col 9, line 66 - col 10, line 21 and Figure 3B, items 150 and 152).

Claim 20/16: Scroggie and Cupps disclose a method for providing a purchase incentive to a buyer over a computer network as in Claim 16 above. Scroggie further discloses sending the buyer information and the discount to the reseller (col 2, lines 63-67).

Claims 30 and 49: Scroggie and Cupps disclose a method for providing a purchase incentive to a buyer over a computer network as in Claims 24 and 47 above. Scroggie further discloses printing and redeeming the incentive (electronic voucher) at the reseller (col 1, line 62 - col 2, line 1 and col 12, lines 51-53).

Claim 31: Scroggie and Cupps disclose a method for providing a purchase incentive to a buyer over a computer network as in Claim 24 above. Scroggie further discloses presenting the buyer information to the reseller and receiving the discount (col 3, lines 1-6),

Claims 34 and 36: Scroggie discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, but does not explicitly disclose transmitting the reseller and discount information to the buyer via a telephone or fax machine. However, Cupps discloses a similar method for providing a purchase incentive to a buyer over a computer network, and further discloses that the information could be transmitted to the buyer over the telephone or a fax machine (col 11, lines 24-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the information to

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the buyer in Scroggie using a telephone or fax machine. One would have been motivated to use one of these devices in order to use a more secure means of communicating the information.

Claim 48: Scroggie and Cupps disclose a system for providing a purchase incentive to a buyer over a computer network as in Claim 47 above. Scroggie further discloses the incentive is redeemable only at the selected reseller (col 1, lines 47-49 and col 10, lines 26-27).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Chelliah et al (5,710,887) discloses a system and method for electronic commerce in which a list of products or suppliers is displayed to a buyer over a computer network. The buyer may select a product or supplier to receive information, discounts, etc.

B. Suzuki et al (5,946,665) discloses a system for online shopping which locates resellers geographically closest to the buyer.

C. Ferguson et al (5,966,697) discloses a system and method for processing orders online in which the user selects products from a list of products.

D. Kolawa et al (6,370,513) discloses a method and apparatus for automatic selection of products based on user preferences and location. The selections are displayed as a list to the buyer, who may select one or more products from the list.

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E. Messner (6,370,514) discloses a method for providing coupons and gift certificates online, through the mail, email, telephone, fax, or the like.

F. Nojima et al (US2001/0037251) discloses a system for presenting new items to buyers online, allowing the buyer to select among the listed products, and processing the order.

G. McCollom et al (US2002/0010623) discloses a system and method for distributing and redeeming coupons over a computer network.

H. Sandus et al (US2002/0072993) discloses a system and method for providing purchase incentives to a buyer over a computer network based on the buyer's profile (to include geographic information), product and/or supplier selections by the buyer, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9326. Draft or Informal faxes may be submitted to (703) 872-9327 or directly to the examiner at (703) 746-5544.

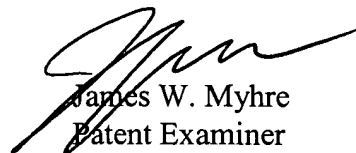
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM

October 16, 2002



James W. Myhre  
Patent Examiner  
Art Unit 3622